



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING February 26, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Ordinance Committee met at 12:30 p.m., and the Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Letter Of Recognition For Peace Corps Week, February 25 - March 3, 2008 (120.08)

Action: Letter of Recognition presented to Shane Mathias and Naomi Kovacs.

PUBLIC COMMENT

Speakers: Richard Robinson, Jack Wilson, David Daniel Diaz, David Wass, and Bret Alan Hughes.

CONSENT CALENDAR (Item Nos. 2 - 16)

The titles of the resolutions and ordinance related to Consent Calendar items were read.

Motion:

Councilmembers Horton/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of February 4, 2008, and the regular meetings of February 5 and 12, 2008.

Action: Approved the recommendation.

3. Subject: Records Destruction For Administrative Services Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the City Clerk's Office, Human Resources Division, and Information Systems Division.

Action: Approved the recommendation; Resolution No. 08-012 (February 26, 2008, report from the Administrative Services Director; proposed resolution).

4. Subject: Proposed Fee Resolution For Santa Barbara Municipal Code Chapter 5.20, Dance Permits (520.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Fees for Dance Permit Applications, Permit Renewals, and Appeals.

Action: Approved the recommendation; Resolution No. 08-013 (February 26, 2008, report from the Chief of Police; proposed resolution).

5. Subject: Adoption Of Ordinance For Contract For Construction Of Mission Street At Route 101 Class II Bike Lane And Sidewalk Improvements (530.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Agreement Between the City of Santa Barbara and the State of California Department of Transportation Obligating City to Maintain, Repair, and Replace as Necessary the Special Coating Applied on Traffic Signals and Lighting Poles and Appurtenances Installed Within the State Highway Route 101 Right-of-Way in the City.

Action: Approved the recommendation; Ordinance No. 5447; Agreement Nos. 22,687 and 22,688.

6. Subject: Community Promotion Contract With Spirit Of '76 (230.02)

Recommendation: That Council authorize the Finance Director to execute a Community Promotion contract with Spirit of '76 in an amount of \$12,500 to commence on March 15, 2008, and terminate on August 30, 2008, according to the terms of the contract.

Action: Approved the recommendation; Contract No. 22,689 (February 26, 2008, report from the Finance Director).

7. Subject: Contract For Construction Of Alisos Street Access Ramps Project (530.01)

Recommendation: That Council award and authorize the Public Works Director to execute a contract with United Shotcrete, Inc., waiving minor irregularities, in their low bid amount of \$41,620, for construction of the Alisos Street Access Ramps Project, Bid No. 3526, and to approve expenditures up to \$6,243 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Speakers:

Staff: Acting Public Works Director Paul Casey.

Action: Approved the recommendation; Contract No. 22,690 (February 26, 2008, report from the Acting Public Works Director).

8. Subject: Lease Agreement Extension For Hope Avenue Well Site (540.10)

Recommendation: That Council authorize the Public Works Director to execute a Third Amendment to a lease agreement between the City of Santa Barbara and the Channel Islands YMCA (Agreement No. 17,408), extending the term of the lease and adjusting the rental amount for the City's use of a portion of the YMCA property as a treatment site for the Hope Avenue Well.

(Cont'd)

8. (Cont'd)

Action: Approved the recommendation; Agreement No. 22,691 (February 26, 2008, report from the Acting Public Works Director).

9. Subject: Approval Of Map And Execution Of Agreements For 2553 Mesa School Lane (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,743 for a subdivision at 2553 Mesa School Lane, finding the Parcel Map in conformance with the state Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map, and other standard agreements relating to the approved subdivision.

Action: Approved the recommendation; Agreement Nos. 22,692 - 22,694 (February 26, 2008, report from the Acting Public Works Director).

10. Subject: Trust Funds For The Fiscal Year 2008 Maintenance Plan For Parma Park (570.05)

Recommendation: That Council increase appropriations and estimated revenues by \$100,000 in the Parks and Recreation Department Miscellaneous Grants Fund for implementation of the Fiscal Year 2008 Parma Park Maintenance Plan.

Action: Approved the recommendation (February 26, 2008, report from the Parks and Recreation Director).

11. Subject: Proposition 12 Per Capita Grant Program Funds For Franceschi Park Renovation Project And Oak Park Bridge Replacement Project (570.05)

Recommendation: That Council:

- A. Decrease appropriations and estimated revenues in the Parks and Recreation Capital Budget for the Franceschi Park Renovation project by \$229,000, for a total grant of \$221,000; and
- B. Increase appropriations and estimated revenues for the Oak Park Bridge Replacement project by \$80,809, for a total grant of \$210,809 based on accepted Proposition 12 Per Capita Grant Program applications by the California Department of Parks and Recreation.

Action: Approved the recommendations (February 26, 2008, report from the Parks and Recreation Director).

12. Subject: Notice Of Completion For El Estero Wastewater Treatment Plant Primary And Secondary Clarifiers And Aeration Basins (540.13)

Recommendation: That Council accept the work completed by Spiess Construction Company, Inc. (Spiess), Contract No. 21,776, for the rehabilitation and repair of Primary and Secondary Clarifiers and Aeration Basins for the El Estero Wastewater Treatment Plant Project, Bid No. 3434, located at Yanonali Street, in the final contract amount of \$2,983,874, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (February 26, 2008, report from the Acting Public Works Director).

13. Subject: January 2008 Investment Report (260.02)

Recommendation: That Council accept the January 2008 Investment Report.

Action: Approved the recommendation (February 26, 2008, report from the Finance Director).

14. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For 601 E. Micheltorena Street

Recommendation: That Council set the date of April 29, 2008, at 2:00 p.m. for hearing the appeal filed by Tony Fischer of the Architectural Board of Review's Approval of an application by Ken Marshall, Agent for Santa Barbara Cottage Hospital Foundation, owner of property located at 601 E. Micheltorena Street, Assessor's Parcel Number 027-270-030, C-O Medical Office Zone, General Plan Designation: Major Public Institutional/Medical Center. The project proposes the removal of the former St. Francis Hospital complex, including the main hospital, convent, central plant, and other ancillary structures, and the construction of 115 residential condominiums on a 5.94 acre site. Eighty-one of the units will be sold to Cottage Hospital employees at prices within the City's structure for affordable units, and 34 units will be sold at market rates. The project will provide approximately 265 parking spaces, including 254 parking spaces for the 115 condominium units and 11 spaces for the Villa Riviera facility.

Action: Approved the recommendation (February 7, 2008, letter of appeal)

NOTICES

15. The City Clerk has on Thursday, February 21, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

16. A City Council site visit is scheduled for Monday, March 3, 2008, at 1:30 p.m. to the property located at 517 Chapala Street, which is the subject of an appeal hearing set for March 4, 2008, at 2:00 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to review a draft Medical Marijuana Dispensary Permanent Ordinance; the Committee will continue its discussion at its meeting next week.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee reviewed the January 2008 Investment Report, which was approved by the Council as part of this Agenda's Consent Calendar (Item No. 13).

PUBLIC HEARINGS

17. Subject: Appeal Of The Planning Commission Denial Of Initiation Request For 1400 Rogers Court (640.07)

Recommendation: That Council deny the appeal of Mark Lloyd, L & P Consultants, Agent for Santa Fe Court, LLC, and uphold the Planning Commission's decision to deny the initiation of a Zone Change and General Plan Amendment for an existing lot at 1400 Rogers Court.

Documents:

- February 26, 2008, report from the Acting Community Development Director.
- Correspondence and petitions received from the public, both for a Planning Commission public hearing held in July 2007 and the current City Council public hearing.
- Affidavit of Publication.

Public Comment opened:
2:31 p.m.

Speakers:

- Staff: Associate Planner Marisela Salinas, City Attorney Stephen Wiley, Senior Planner Jan Hubbell.
- Planning Commission: Commissioner John Jostes.
- Appellant/Applicant: Mark Lloyd, L & P Consultants.
- Members of the Public: Angela Bell; Dianne Bess; Denny Cooper; Ron Miller; Michael Self, Santa Barbara Safe Streets; Inger Budke; Carol Hauer; Carmen S. Romero.

(Cont'd)

17. (Cont'd)

Public Comment closed:
3:44 p.m.

Motion:

Councilmembers House/Williams to uphold the appeal and initiate a General Plan Amendment for the subject property to Residential - 5 Units per Acre, and a Zone Change to R-2, Two-Family Residential.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Falcone, Mayor Blum).

RECESS

The Mayor recessed the meeting at 4:34 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 18.

CLOSED SESSIONS

18. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Citizens Planning Association, et al., v. City of Santa Barbara, et al., SBSC Case Number 1243174.

Scheduling: Duration, 30 minutes; anytime
Report: None anticipated

Documents:

February 26, 2008, report from the City Attorney.

Time:

4:39 p.m. - 5:09 p.m.

Report: The City Council declined to authorize the City Attorney to initiate an appeal in the above-entitled litigation.

RECESS

5:09 p.m. - 5:14 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

19. Subject: Adoption Of Ordinance Regarding Peak Las Positas Subdivision (680.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Repealing City Ordinance No. 5403 Adopted on December 19, 2006, Initiating the Annexation of the Peak Las Positas Veronica Meadows Property and Approving the Peak Las Positas Veronica Meadows Specific Plan and Other Related Council Actions.
(Continued from February 12, 2008)

Documents:
Proposed Ordinance.

The title of the ordinance was read.

Speakers:
- Staff: City Attorney Stephen Wiley.
- Members of the Public: Naomi Kovacs, Citizens Planning Association; Steven Amerikaner, Peak Las Positas Partners; Ed Harris, Santa Barbara Urban Creeks Council.

Motion:
Councilmembers Williams/Schneider to adopt Ordinance No. 5448.

Vote:
Unanimous roll call vote.

RECESS

The Mayor recessed the meeting at 5:35 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 20, 21 and 22, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS (CONT'D)

20. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: John Cornejo v. City of Santa Barbara, WCAB, case numbers OXN 130817 and OXN 0128616.

Scheduling: Duration, 10 minutes; anytime
Report: None anticipated

(Cont'd)

20. (Cont'd)

Documents:

February 26, 2008, report from the Finance Director.

Time:

5:40 p.m. - 5:47 p.m.

No settlement approved.

21. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Keven Vickers v. City of Santa Barbara, WCAB, case number GOL 0094051.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

February 26, 2008, report from the Finance Director.

Time:

5:47 p.m. - 5:54 p.m.

No settlement approved.

22. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: John Culbertson v. City of Santa Barbara, WCAB, case number GOL 0100123.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

February 26, 2008, report from the Finance Director.

Time:

5:54 p.m. - 6:01 p.m.

No settlement approved.

RECESS

6:01 p.m. - 6:11 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

PUBLIC COMMENT

Speakers: Peter Marin, Committee for Social Justice.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

23. Subject: *Plan Santa Barbara* Status Update (650.05)

Recommendation: That Council hear a presentation by staff on the status of *Plan Santa Barbara*, and provide direction as necessary.

Documents:

- February 26, 2008, report from the Acting Community Development Director.
- February 26, 2008, e-mail from Patricia Hiles.

Speakers:

- Staff: City Planner Bettie Weiss, Principal Planner John Ledbetter.
- Planning Commission: Commissioners John Jostes, Addison Thompson.
- Members of the Public: Naomi Kovacs, Citizens Planning Association; Cathie McCammon, League of Women Voters; Scott Wenz, Cars Are Basic; Joseph Rution; Gil Barry; Jim Westby.

Discussion:

Staff presented its report on the status of the *Plan Santa Barbara* process. Councilmembers commented on a number of issues, including conducting a professional community survey and how to address individual neighborhoods' concerns as part of this process. Staff will return to Council with a separate agenda item requesting authorization and funding for a poll.

24. Subject: *Plan Santa Barbara* Environmental Impact Report Professional Services Agreement And Budget Adjustment Request (650.05)

Recommendation: That Council:

- A. Authorize the Community Development Director to execute a professional services agreement with AMEC Earth & Environmental, Inc., in the amount of \$1,124,361 (including \$146,656 contingency funds for extra services if determined necessary) for preparation of the Program Environmental Impact Report and transportation modeling and policy analysis for *Plan Santa Barbara*; and
- B. Appropriate \$465,276 from General Fund Unappropriated Reserves to the Community Development *Plan Santa Barbara* Program to augment the Environmental Review budget, with funds to be reimbursed over time by the General Plan Update fee.

Documents:

- February 26, 2008, report from the Acting Community Development Director.
- Proposal for a Program Environmental Impact Report on *Plan Santa Barbara*, submitted by AMEC Earth & Environmental, Inc.

Speakers:

Staff: Project Planner/Environmental Analyst Barbara Shelton, Principal Planner John Ledbetter.

Motion:

Councilmembers Horton/Falcone to approve the recommendations; Agreement No. 22,695.

Vote:

Majority voice vote (Noes: Councilmember Francisco).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

Councilmember Williams advised the Council that next Tuesday, the Santa Barbara County Board of Supervisors will consider a request by the Cachuma Operation and Maintenance Board to address an infestation problem at Cachuma Lake.

ADJOURNMENT

Mayor Blum adjourned the meeting at 8:58 p.m. to Monday, March 3, 2008, at 1:30 p.m. for a site visit to 517 Chapala Street.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

_____	ATTEST: _____
MARTY BLUM	SUSAN TSCHECH, CMC
MAYOR	DEPUTY CITY CLERK